

# Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY—MONDAY, APRIL 26, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“...for God is a God not of disorder but of Peace.” (I Corinthians 14:33a)

Gracious God, we begin a new week faced with challenges and difficulties that will try our patience and weary our minds; but let us follow Your example of peace as we deal with others who do not agree with us. And Lord we need Your peace as we read and hear of over one hundred of our military killed this month in Iraq and more this weekend. So we pray for their families that You will comfort them and we pray for our leaders to find ways to resolve this conflict and establish peace and for those who are in harms way, that You will be an ever-present help. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, April 23, 2004, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Bartle                      Bland                      Bray                      Callahan

Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator Childers—1

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1802, regarding the 218th Engineering and Installation Squadron at Jefferson Barracks, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1803, regarding Angie Voelmeck, Clinton, which was adopted.

Senator Jacob offered Senate Resolution No. 1804, regarding Frances J. “Fran” Joy, Columbia, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1805, regarding Adam John Wallach, Washington, which was adopted.

Senator Stoll offered Senate Resolution No. 1806, regarding Jason Robert Yung, Imperial, which was adopted.

Senator Bartle offered Senate Resolution No. 1807, regarding Eric Damon Adlard, Sibley, which was adopted.

Senator Bartle offered Senate Resolution No. 1808, regarding Tyler Russell Foster, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1809, regarding Joshua Lewis Hignight, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1810, regarding Justin Andrew Blunt, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1811, regarding Kevin G. Schmitt, Lee's Summit, which was adopted.

Senator Steelman offered Senate Resolution No. 1812, regarding Carol A. Fisher, Argyle, which was adopted.

Senator Steelman offered Senate Resolution No. 1813, regarding Corrections Officer I Michael L. Nicholls, Crocker, which was adopted.

Senator Yeckel offered Senate Resolution No. 1814, regarding Michele Christine Scurry, Florissant, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1034**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## HOUSE BILLS ON THIRD READING

**HB 923**, introduced by Representatives Holand and Fraser, entitled:

An Act to repeal sections 402.199, 402.200, 402.205, 402.215, and 402.217, RSMo, and to enact in lieu thereof five new sections relating to

the Missouri family trust.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 923** was read the 3rd time and passed by the following vote:

### YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Stelman	Stoll	Vogel	Wheeler
Yeckel—29			

### NAYS—Senators—None

### Absent—Senators

Coleman	Dolan	Russell—3
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### Absent with leave—Senators

Bland	Childers—2
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The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

**HB 1622**, introduced by Representative Wasson, et al, entitled:

An Act to repeal section 329.010, RSMo, and to enact in lieu thereof one new section relating to cosmetology.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HB 1622** was read the 3rd time and passed by the following vote:

### YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days

Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

Absent with leave—Senators  
Bland Childers—2

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Bland Childers—2

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

**HCS for HB 1399**, entitled:

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to athletic trainers.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HCS for HB 1399** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Bray	Coleman	Jacob	Kennedy
Quick	Wheeler—6		

**HCS for HB 1347**, entitled:

An Act to repeal sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof eight new sections relating to the state library.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HCS for HB 1347** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob Quick—2

Absent with leave—Senators

Bland Childers—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

**HCS** for **HB 1363**, entitled:

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to an archival facility in St. Louis.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HCS** for **HB 1363** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Steelman	Stoll	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Jacob	Shields	Vogel—3
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Absent with leave—Senators

Bland	Childers—2
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The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

**HB 1291**, introduced by Representative Pearce, et al, entitled:

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to unfair insurance practice and fraud.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HB 1291** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob	Quick—2
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Absent with leave—Senators

Bland	Childers—2
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The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1246**, entitled:

An Act to repeal sections 331.010, 331.030, and 331.050, RSMo, and to enact in lieu thereof five new sections relating to chiropractors and their keeping of medical records.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HCS** for **HB 1246** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

NAYS—Senators—None

Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

Absent—Senators

Coleman	Dolan	Goode	Jacob
Quick—5			

Absent with leave—Senators

Bland	Childers—2
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The President declared the bill passed.

NAYS—Senators—None

Absent—Senators

Coleman	Jacob—2
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On motion of Senator Loudon, title to the bill was agreed to.

Absent with leave—Senators

Bland	Childers—2
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Senator Loudon moved that the vote by which the bill passed be reconsidered.

**SS for SB 1023** was again taken up.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dougherty offered **SA 1**, which was read:

**SENATE BILLS FOR PERFECTION**

**SENATE AMENDMENT NO. 1**

Senator Griesheimer moved that **SB 1023** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Amend Senate Substitute for Senate Bill No. 1023, Page 4, Section 578.500, Line 5 of said page, by inserting after the word “offense” the following: **“but excluding the lobby, entrance, or other areas of the building where a motion picture cannot be viewed”**.

Senator Griesheimer offered **SS for SB 1023**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1023**

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

An Act to repeal section 570.300, RSMo, and to enact in lieu thereof two new sections relating to the criminal use of audiovisual recording devices, with penalty provisions.

Senator Quick offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Senator Griesheimer moved that **SS for SB 1023** be adopted, which motion prevailed.

Amend Senate Substitute for Senate Bill No. 1023, Page 4, Section 578.500, Lines 6-16, by striking all of said lines; and further renumber the subsection accordingly.

Senator Gross assumed the Chair.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Bray offered **SA 3**, which was read:

Having voted on the prevailing side, Senator Dolan moved that the vote by which **SS for SB 1023** was adopted be reconsidered, which motion prevailed by the following vote:

**SENATE AMENDMENT NO. 3**

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dolan	Dougherty	Foster	Gibbons

Amend Senate Substitute for Senate Bill No. 1023, Page 2, Section 570.300, Line 6, by inserting after the word “equipment” the following: **“, which is”**; and

Further amend said bill, said page, said section, line 7, by inserting after the word

“television” the following: “**and**”; and

Further amend said page, said section, line 8, by striking after the word “disruption” the following: “**fo**” and inserting in lieu thereof the word “**of**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SB 1023**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SB 1023**, as amended, was declared perfected and ordered printed.

Senator Klindt moved that **SB 810**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 810

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

Was taken up.

Senator Klindt moved that **SCS** for **SB 810** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 810, Page 1, Section 258.100, Line 5, by deleting the opening bracket at the end of said line; and

Further amend same page, same section, line 9, by deleting immediately following the word “thousand” the closing bracket.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 810, Section 258.100, Line 20, Page 2, by adding after the word “shall” on such line the following “for natural condition occurring”.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 2** was withdrawn.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 810, Page 2, Section 258.100, Line 24, by deleting the word “and” at the end of said line; and

Further amend same page, same section, line 25, by deleting the “.” and inserting in lieu thereof the following “; **and**

**(3) the injuries to person or property arose from naturally occurring conditions of the land.”.**

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Kennedy and Wheeler.

**SA 3** failed of adoption by the following vote:

YEAS—Senators			
Bland	Bray	Callahan	Coleman
Days	Jacob	Kennedy—7	

NAYS—Senators			
Caskey	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel—21			

Absent—Senators			
Dougherty	Mathewson	Quick	Stoll—4

Absent with leave—Senators

Bartle Childers—2

Senator Klindt moved that **SCS** for **SB 810** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 810** was declared perfected and ordered printed.

Senator Shields moved that **SB 755**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SS** for **SCS** for **SB 755**, as amended, was again taken up.

Senator Coleman offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 13, Section 174.020, Line 14, of said page, by striking the word “college” and inserting in lieu thereof the following: “**institution**”; and further amend line 15 of said page, by striking the word “College” and inserting in lieu thereof the following: “**University**”; and

Further amend said bill, page 16, Section 174.261, Line 5 of said page, by inserting after all of said line the following:

**“174.290. 1. After August 28, 2004, the institution formerly known as Harris-Stowe State College located in the city of St. Louis shall be known as Harris-Stowe State University. Harris-Stowe State University is hereby designated and shall hereafter be authorized to offer degree programs, both alone and in cooperation with other four-year institutions of higher education pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo, with an emphasis on selected applied professional disciplines that meet the needs of the St. Louis metropolitan area. Harris-Stowe State University is hereby designated a moderately selective institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and**

**graduate degree programs pursuant to subdivisions (1) and (2) of subsection 2 of section 173.005, RSMo. Any new masters degree program offered at Harris-Stowe State University after August 28, 2004, must be approved by the coordinating board for higher education pursuant to the provisions of subdivision (1) or (2) of subsection 2 of section 173.005, RSMo.**

**2. As of July 1, 2008, Harris-Stowe State University shall discontinue any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board for higher education.**

174.300. 1. Prior to October 17, 1978, the governor shall, with the advice and consent of the senate, appoint a six member board of regents to assume the general control and management of Harris-Stowe College. The members of the board shall serve for terms of six years each, except for the members first appointed, two of whom shall serve two-year terms, two of whom shall serve four-year terms, and two of whom shall serve six-year terms. Not more than three of the regents shall be affiliated with any one political party.

**2. On or after August 28, 2004, Harris-Stowe State College shall be known as Harris-Stowe State University, and the provisions contained in subsection 1 of this section shall continue to apply to the institution.**

174.310. 1. There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis board of education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe State College, to the board of regents, and during which time the St. Louis board of education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe State College. The transition period shall terminate no later than July 1, 1979, at which time the regents shall be

responsible for every aspect of the college's operation.

2. [Notwithstanding any other provisions of this chapter to the contrary, the board of regents of Harris-Stowe State College is authorized to offer undergraduate degree programs with an emphasis on selected applied professional disciplines that will meet the needs of the St. Louis metropolitan area. Such programs shall be subject to approval by the coordinating board for higher education as provided for in subdivision (1) of subsection 2 of section 173.005, RSMo.

3.] The state shall, effective July 1, 1978, provide the necessary funds to fully staff and operate Harris-Stowe State College and to make appropriate capital improvements.

**3. On or after August 28, 2004, Harris-Stowe State College shall be known as Harris-Stowe State University, and the provisions contained in subsections 1 and 2 of this section shall continue to apply to the institution.**

174.320. 1. Any person employed by Harris-Stowe State College prior to September 1, 1978, who is a member of the public school retirement system established in sections 169.410 to 169.540, RSMo, and who did not become a member of the Missouri state employees' retirement system may remain a member of that public school retirement system. Any employer contributions required to be made by sections 169.410 to 169.540, RSMo, shall be made by the state of Missouri.

2. Any person employed on or after September 1, 1978, as an instructor, teacher or administrator of Harris-Stowe State College and who did not become a member of the Missouri state employees' retirement system under section 104.342, RSMo, is a member of the public school retirement system of Missouri created by sections 169.010 to 169.130, RSMo. Any other person employed on or after September 1, 1978, as an employee of Harris-Stowe State College is a member of the Missouri state employees' retirement system established by sections 104.310 to 104.550, RSMo.

**3. On or after August 28, 2004, Harris-Stowe State College shall be known as Harris-Stowe State University, and the provisions contained in subsections 1 and 2 of this section shall continue to apply to the institution.**”; and

Further amend said bill, Page 25, Section 174.020 of Section B, Line 2, by striking the word “college” and inserting in lieu thereof the following: “**institution**”; and further amend line 4 of said page, by striking the word “College” and inserting in lieu thereof the following: “**University**”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 13, Section 174.020, Line 3, by deleting the words “Central Missouri State” and further amend said page and section, line 4, by inserting after the word “University”, the following: “**of Central Missouri**” and further amend said bill, page 16, section 174.020, Line 19, by deleting the words “Central Missouri State” and inserting in lieu thereof “**the**” and further amend said bill, section and page, line 20, by inserting after the word “University”, the following “**of Central Missouri**” and further amend said bill, page 24, line 31, Section B, by deleting the words “Central Missouri State” and further amend said bill, section, and page, line 32, by inserting after the word “University”, the following: “**of Central Missouri**”.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 5, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 9, Section 172.925, Line 8, by

inserting after said line the following:

**“5. On or prior to August 28, 2006, the board of curators of the University of Missouri shall submit to the coordinating board for higher education a three-year plan outlining admissions requirements, tuition and fees, new program offerings, and mission program changes for the University of Missouri-Northwest. Pursuant to section 173.005, RSMo, the coordinating board shall approve all proposed new degree programs contained within the three-year plan.”**

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered SA 6, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 25, Section B, Line 16, by inserting after all of said line, the following:

**“Section C. The provisions of sections 172.925, 172.928, 172.931, 172.934, and 172.937 of section A of this act shall only become effective if the name of ‘Southwest Missouri State University’ is altered by the general assembly to ‘Missouri State University’ in section 174.020.”**

Senator Champion moved that the above amendment be adopted, which motion failed.

Senator Shields moved that SS for SS for SCS for SB 755, as amended, be adopted, which motion prevailed.

At the request of Senator Shields, SS for SS for SCS for SB 755, as amended, was placed on the Informal Calendar.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to adopt SCS, as amended, for HS for HCS for HB 1002 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HS for HCS for HB 1003 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HS for HCS for HB 1004 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS, as amended, for HS for HCS for HB 1005 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HS for HCS for HB 1006 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS, as amended, for HS for HCS for HB 1007 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1008** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1009** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1010** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1011** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1012** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 21**, entitled:

An Act relating to the Poultry Industry Committee.

HOUSE CONCURRENT RESOLUTION NO. 21

AN ACT

Relating to the Poultry Industry Committee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-seven members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Southwest Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, one person from Missouri Farm

Credit Services. Each member of the Committee shall serve until December 31, 2005; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2005; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS for HS for HCS for HB 1002**, as amended; **SCS for HS for HCS for HB 1003**; **SCS for HS for HCS for HB 1004**; **SCS for HS for HCS for HB 1005**, as amended; **SCS for HS for HCS for HB 1006**; **SCS for HS for HCS for HB 1007**, as amended; **SCS for HS for HCS for HB 1008**; **SCS for HS for HCS for HB 1009**; **SCS for HS for HCS for HB 1010**, as amended; **SCS for HS for HCS for HB 1011**, as amended; and **SCS for HS for HCS for HB 1012**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS for HS for HCS**

for **HB 1002**, as amended; **SCS for HS for HCS for HB 1003**; **SCS for HS for HCS for HB 1004**; **SCS for HS for HCS for HB 1005**, as amended; **SCS for HS for HCS for HB 1006**; **SCS for HS for HCS for HB 1007**, as amended; **SCS for HS for HCS for HB 1008**; **SCS for HS for HCS for HB 1009**; **SCS for HS for HCS for HB 1010**, as amended; **SCS for HS for HCS for HB 1011**, as amended; and **SCS for HS for HCS for HB 1012**, as amended, and grant the House a conference thereon, which motion prevailed.

### SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 48**—Rules, Joint Rules, Resolutions and Ethics.

### REFERRALS

President Pro Tem Kinder referred **HS for HCS for HB 978**; **HCS for HB 1040** and **HCS for HB 1041**, with **SCS**; **HS for HCS for HBs 1268** and **1211**, with **SCS**; **HCS for HB 1055**; and **HCS for HB 1614** to the Committee on Governmental Accountability and Fiscal Oversight.

### REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS for SB 1023**; and **SCS for SB 810**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to

which were referred **HB 1188**, with **SCS**; and **HCS** for **HB 1233**, begs leave to report that it has considered the same and recommends that the bills do pass.

President Pro Tem Kinder assumed the Chair.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committees to act with like committees from the House on **SCS** for **HS** for **HCS** for **HB 1002**, as amended; **SCS** for **HS** for **HCS** for **HB 1003**; **SCS** for **HS** for **HCS** for **HB 1004**; **SCS** for **HS** for **HCS** for **HB 1005**, as amended; **SCS** for **HS** for **HCS** for **HB 1006**; **SCS** for **HS** for **HCS** for **HB 1007**, as amended; **SCS** for **HS** for **HCS** for **HB 1008**; **SCS** for **HS** for **HCS** for **HB 1009**; **SCS** for **HS** for **HCS** for **HB 1010**, as amended; **SCS** for **HS** for **HCS** for **HB 1011**, as amended; and **SCS** for **HS** for **HCS** for **HB 1012**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1001**; **SCS** for **HB 916**; and **HCS** for **HB 895**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

### RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 1815, regarding Central Elementary School in the Francis Howell R-III School District, St. Charles, which was adopted.

### COMMUNICATIONS

Senator Goode submitted the following:

April 26, 2004

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, Capitol Building  
Jefferson City, MO 65101

Dear Secretary Spieler:

The attached correspondence is in response to the letter from the Lt. Governor, Joe Maxwell, dated April 22nd. I request that it be placed in the Journal of the Senate for Monday, April 26th.

Sincerely,

/s/ Wayne

WAYNE GOODE

April 26, 2004

The Honorable Joe Maxwell  
Lt. Governor, State of Missouri  
Room 121, Capitol Building  
Jefferson City, MO 65101

Dear Joe:

This is in regard to your letter of April 22nd to the Secretary of the Senate.

Having read the letter, I understand your thinking in regard to what occurred in the Senate on the morning of Thursday, April 22nd. However, I strongly disagree with your interpretation of the rules. When Senator Bartle arose to raise a point of order, you ruled from the chair that the chair could only be challenged by an "appeal of the Chair" and that a point of order could not be raised. Clearly, the chair regardless of whether it is held by the Lt. Governor, President Pro-Tem or another member of the Senate is subject to the rules of the Senate and, therefore, is subject to a point of order raised by any member. As you know, I raised the same point of order that Senator Bartle attempted to raise and after some insistence on my part it was referred to the President Pro-Tem.

In your letter you interpret Rule 76, which reads, "if two or more Senator rise at once the Chair shall name the Senator who is to speak first, the other arising having the preference next to speak."

I don't argue with the meaning of that rule, however, nothing herein prevents the first Senator from making any motion that is in order under the rules. That is, of course, what Senator Scott eventually did. As both Senator Mathewson and I pointed out, the rules of the Senate have long been interpreted to allow any Senator who has been recognized and, therefore, has the floor to make any motion or engage in any activity that is allowed under the rules and to keep the floor as long as the Senator desires. Clearly, the Chair cannot take the floor away from a Senator who has been recognized and gains the floor under the rules. This is the long-standing interpretation of the rules and the Chair is subject to a point of order, the same as any member of the Senate is, to assure that the rules are followed. That

is not only the tradition of the Senate but the essence of the Cason decision. Any other interpretation would cause a major transfer of power from each individual Senator to the Chair. The collective power of the Senate is only as strong as that of each Senator.

With great respect to you as my friend, as well as Lt. Governor, I raised the point of order and asked that it be ruled upon because of the potential long-term impact of what was occurring in the Senate and each and every present and future Senator.

Sincerely,

/s/ Wayne

WAYNE GOODE

### INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Teresa and Cillian Deisner, Kirkwood.

Senator Caskey introduced to the Senate,

Robert and Nancy Wilson, Edwardsville, Illinois; and Jeremiah Finnegan, Kansas City.

On behalf of Senator Dolan and himself, Senator Loudon introduced to the Senate, Dan and Carol Crosby, O'Fallon.

Senator Griesheimer introduced to the Senate, James Simpson, Marthasville.

Senator Caskey introduced to the Senate, Debbie and Richie Davis, Adrian.

Senator Yeckel introduced to the Senate, Rodney and Elizabeth Huck, and Dorothy and Jack Manzo, Wildwood.

On motion of Senator Gibbons, the Senate adjourned under the rules.

### SENATE CALENDAR

SIXTIETH DAY-TUESDAY, APRIL 27, 2004

### FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 1034-Childers  
SS for SB 1023-Griesheimer

SCS for SB 810-Klindt

### SENATE BILLS FOR PERFECTION

SB 1366-Yeckel, with SCS  
SB 1196-Klindt, with SCS  
SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS  
SB 1153-Cauthorn  
SB 1185-Gross

### HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 1566-Stefanick,  
with SCS (Cauthorn)

2. HCS for HBs 795, 972, 1128 & 1161,  
with SCS (Childers)

- |   |   |
|---|---|
| <p>3. HS for HCS for HB 978-Baker (Yeckel)<br/>(In Fiscal Oversight)</p> <p>4. HCS for HB 959, with SCS (Yeckel)</p> <p>5. HB 1493-Emery, et al, with SCS (Scott)</p> <p>6. HCS for HB 1288, with SCS (Griesheimer)</p> <p>7. HCS for HB 1040 &amp; HCS for HB 1041,<br/>with SCS (Nodler) (In Fiscal Oversight)</p> <p>8. HS for HCS for HBs 1268 &amp; 1211-<br/>Smith (118), with SCS (Loudon)<br/>(In Fiscal Oversight)</p> <p>9. HCS for HB 1177, with SCS</p> | <p>10. HCS for HB 980 (Klindt)</p> <p>11. HCS for HB 1115 (Gross)</p> <p>12. HCS for HBs 998 &amp; 905 (Griesheimer)</p> <p>13. HCS for HB 833, with SCS (Vogel)</p> <p>14. HCS for HB 898, with SCS (Shields)</p> <p>15. HCS for HBs 946, 1106 &amp; 952, with SCS<br/>(Dolan)</p> <p>16. HS for HB 1487-Self (Scott)</p> <p>17. HCS for HB 1055 (Vogel)<br/>(In Fiscal Oversight)</p> <p>18. HCS for HB 1215, with SCS (Bartle)</p> |
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### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |   |
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| <p>SB 728-Steelman, with SCS</p> <p>SBs 738 &amp; 790-Loudon, with SCS &amp;<br/>SS for SCS (pending)</p> <p>SS for SS for SCS for SB 755-Shields</p> <p>SBs 774 &amp; 915-Wheeler, with SCS</p> <p>SB 787-Childers, with SCS, SA 1 &amp; SSA 1<br/>for SA 1 (pending)</p> <p>SB 809-Klindt, with SCS, SS for SCS &amp;<br/>SA 2 (pending)</p> <p>SB 817-Kennedy and Griesheimer, with SCS</p> <p>SB 856-Loudon, with SCS, SS for SCS, SS<br/>for SS for SCS, SA 2 &amp; SSA 1 for SA 2 (pending)</p> <p>SB 906-Foster, with SCS</p> <p>SBs 908 &amp; 719-Cauthorn, with SCS</p> <p>SB 933-Yeckel, et al</p> <p>SB 989-Gross, et al, with SCS (pending)</p> <p>SB 990-Loudon, with SCS</p> <p>SB 1037-Steelman and Stoll, with SCS</p> <p>SBs 1069, 1068, 1025, 1005 &amp; 1089-Gross<br/>and Griesheimer, with SCS, SS for<br/>SCS, SA 2 &amp; SA 2 to SA 2 (pending)</p> <p>SB 1124-Goode and Steelman, with SCS</p> <p>SB 1128-Cauthorn, with SCS</p> | <p>SB 1132-Steelman, et al, with SCS</p> <p>SB 1138-Bartle</p> <p>SB 1159-Foster and Dougherty</p> <p>SB 1180-Shields and Kinder, with SCS</p> <p>SB 1198-Russell, with SCA 1</p> <p>SB 1213-Steelman and Gross, with SCS</p> <p>SBs 1221 &amp; 1305-Kinder, with SCS, SS<br/>for SCS, SA 1 &amp; SA 1 to SA 1 (pending)</p> <p>SB 1227-Russell, et al, with SCS</p> <p>SB 1232-Clemens, et al, with SCS (pending)</p> <p>SB 1234-Mathewson and Childers, with<br/>SCS, SS for SCS, SA 4 &amp; point of order<br/>(pending)</p> <p>SB 1254-Klindt, with SCS</p> <p>SB 1277-Yeckel, with SCS</p> <p>SBs 1332 &amp; 1341-Caskey and Mathewson,<br/>with SCS</p> <p>SB 1355-Days</p> <p>SJR 24-Caskey and Bartle, with SCS</p> <p>SJR 25-Yeckel</p> <p>SJR 26-Yeckel</p> <p>SJR 40-Stoll</p> <p>SJR 41-Kinder, et al, with SCS</p> |
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HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)  
(Bartle)  
HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)  
(In Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-  
Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)  
HB 938-Luetkemeyer, with SCS (Loudon)  
HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)  
HS for HCS for HB 1290-Portwood, with  
SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)  
HB 1187-Ervin, et al (Quick)  
HCS for HB 1321, with SCS (Klindt)  
HB 1362-Hobbs, et al (Cauthorn)  
HB 1377-Sutherland, et al (Griesheimer)  
HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)  
HCS for HB 1456 & HB 824, with SCS (Foster)  
HB 1494-Ervin (Quick)  
HBs 1613, 1445, 1454, 1462, HCS for  
HB 1471, HBs 1608, 1612 & 1635-  
Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)  
 HCS for HB 1422 (Cauthorn)  
 HCS for HB 1171 (Klindt)  
 HB 1259-Threlkeld (Griesheimer)  
 HB 1126-Seigfreid, et al (Mathewson)  
 HCS for HB 1198 (Loudon)  
 HB 1502-Wilson (42), et al (Wheeler)  
 HB 1217-Johnson (47), et al, with SCS (Wheeler)  
 HB 1572-St. Onge, et al (Loudon)  
 HCS for HB 1614 (Steelman)  
 (In Fiscal Oversight)

HCS for HB 1253, with SCS (Loudon)  
 HB 884-Ward (Loudon)  
 HCS for HB 1233 (Griesheimer)  
 HCS for HB 1090 (Quick)  
 HB 1440-Deeken, with SCS (Scott)  
 HB 1508-Baker (Bartle)  
 HCS for HB 1660, with SCS (Klindt)  
 HB 1616-Hanaway, et al (Gibbons)  
 HB 1444-Moore, et al (Vogel)  
 HCS for HB 988 (Bartle)  
 HB 1634-Behnen, with SCS (Gross)

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 Reported 4/15

HB 1317-Kingery, et al (Gibbons)  
 HCS for HB 1405 (Callahan)  
 HB 1114-Skaggs (Loudon)  
 HB 1167-Kelly (144), et al (Clemens)  
 HCS for HB 1284 (Dolan)  
 HCS for HB 912 (Goode)  
 HCS for HB 1449 (Vogel)  
 HB 1149-May, et al (Steelman)  
 HB 1442-Lipke, et al (Kinder)  
 HB 960-Roark, with SCS (Champion)  
 HBs 1029, 1438 & 1610-Henke, with SCS (Dolan)  
 HB 826 & HCS for HB 883-Kelley (144),  
 with SCS (Russell)  
 HBs 996, 1142, HCS for HB 1201 &  
 HB 1489-Dusenberg, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS  
 for HB 1280-Bivins, with SCS (Yeckel)  
 HCS for HB 1179 (Days)  
 HCS for HBs 1631 & 1623 (Champion)  
 HCS for HB 798, with SCS (Klindt)  
 HB 1364-Bishop, et al, with SCS (Quick)  
 HB 1188-Lipke, et al, with SCS (Bartle)  
 HB 904-Luetkemeyer (Vogel)  
 HB 1427-Portwood (Wheeler)  
 HB 994-Cunningham (145), et al (Scott)  
 HB 869-Townley, et al (Caskey)  
 HCS for HB 1192, with SCS (Cauthorn)  
 HB 1048-Parker, et al (Klindt)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-  
 Klindt, with HCS, as amended

SB 1080-Nodler, et al, with HCS, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 739-Klindt, with HCS,  
 as amended

HS for HCS for HB 1002-Bearden, with  
 SCS, as amended (Russell)

HS for HCS for HB 1003-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1004-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1005-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1006-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1007-Bearden, with  
SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1009-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1010-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1011-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1012-Bearden, with  
SCS, as amended (Russell)

Unofficial  
RESOLUTIONS

To be Referred

HCR 21-Ruestman, et al

Reported from Committee  
Journal

SR 1451-Yeckel  
SCR 44-Yeckel  
SCR 45-Dougherty  
SCR 46-Gross

SCR 47-Griesheimer  
HCR 10-Myers (Klindt)  
HCR 12-Kelly (36) (Mathewson)

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